

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 03-29
)	
NTW ASSOCIATES, INC. and)	
Jeffrey Yee Chit Wong,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around June 2003, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, NTW Associates, Inc. and Jeffrey Y.C. Wong ("NTW"). Business Registration Division records list NTW's purpose as consulting structural engineering services , whose business address is 1542 Young Street, Suite 300, Honolulu, Hawaii. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, NTW and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.

- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
1. On or around June 2003, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the following candidate campaign committees:

Ben Cayetano ("Cayetano");
Clayton Hee ("Hee");
Jeremy Harris ("Harris");
Kimo Apana ("Apana"); and
Mufi Hannemann ("Hannemann")

initiated an investigation involving violations of the campaign finance statutes of the State of Hawaii.
 2. Section 11-204(a)(1)(B), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period.

3. Section 11-204(a)(1)(C), HRS reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
4. Section 11-202, HRS reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election or election, in any name other than the true name of the person who owns the money or who supplied the money or property.
5. The Commission finds that contributions made to candidates by family members, employees and friends include:

Barbara Arnold	Former Employee
David Chan	Friend
Collin K. Chang	Friend
Huai Nan Chang	Employee
Tian Shu Chang	Wife of Huai Nan
Jade V. Chang	Friend
Jiao Ying Cheng	Friend
Michael S.K. Chong	Friend
Shu Kim (also nka Lily) Chong	Friend
Helen W.J. June	Friend
Bahman Kheradpey	Former Employee
Elvira Kheradpey	Wife of Bahman
Lambert Lee	Brother of Employee
Lester Lee	Brother of Employee
Allen Z. Liang (Deceased)	Friend
Evelyn D.Y. Ma	Wife of Employee
Nancy Ma	Friend

Miles K. Miyashiro	Employee
Cam Lam Ng	Friend
Diane Raper	Employee
Ka Yiu Wong (Deceased)	Brother-in-law
Jackie Wong (also nka Wing Nga)	Niece of Jeffrey
Shi Hai (Wong)	Husband of Jackie

6. The Commission finds that NTW, family and employees made contributions to subject candidates in the amount of \$35,350.
7. The Commission finds that NTW, or employees and family made contributions to the Cayetano campaign in the amount of \$2,500:

12/97	Ka Yiu Wong	\$ 500
	Miles K. Miyashiro	\$1,000
10/98	Barbara K. Arnold	\$1,000

8. The Commission finds that on April 2002, David Chan, a friend made a contribution to the Clayton Hee campaign in the amount of \$1,500.
9. The Commission finds that NTW, family and employees made contributions to the Harris campaign in the amount of \$29,350:

7/96	Michael Chong	\$1,000
	Jade V. Chong	\$ 500
	Tian Shu Chang	\$ 800
	Cam Lam Ng	\$1,000
8/96	Evelyn D.Y. Ma	\$1,400
	Diane W. Raper	\$1,800
	Miles K. Miyashiro	\$1,600
12/96	Evelyn D.Y. Ma	\$1,500
	Miles K. Miyashiro	\$1,500
	Diane W. Raper	\$1,500
	Huai Nan Chang	\$1,500
1/97	Ka Yiu Wong	\$2,000
9/97	Evelyn D.Y. Ma	\$ 750
	Huai Nan Chang	\$ 850

6/98	Jackie W.N. Wong	\$ 250
	Evelyn D.Y. Ma	\$ 800
	Nancy Ma	\$ 700
	Bahman Kheradpey	\$1,000
	Elvira Kheradpey	\$1,000
6/99	Jackie W.N. Wong	\$ 500
	Shai Hai (Wong)	\$ 250
	Lily S.K. Chong	\$1,000
12/99	Jiao Ying Cheng	\$1,000
	Allen z. Liang	\$1,000
3/00	Lambert Lee	\$ 300
5/00	Lambert Lee	\$ 850
12/01	Lily S. K. Chong	\$1,000
	Collin K. Chan	\$1,000

10. The Commission finds that NTW or family and friends made contributions to the Apana campaign in the amount of \$1,000:

6/01	Lambert Lee	\$ 500
	Lester Lee	\$ 500

11. The Commission finds that on December 2001, Michael S.K. Chong made a contribution to the Mufi Hannemann campaign in the amount of \$1,000.
12. That NTW failed to file an organizational report, pursuant to section 11-194, HRS.
13. That NTW failed to file disclosure reports, pursuant to sections 11-212 and 11-213, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #03-29, NTW understands and agrees to the following:

- (A) NTW agrees to an assessment of **Nineteen Thousand Dollars (\$19,000)** pursuant to section 11-228, HRS.

- (1) For violation of section 11-202, HRS, making false name campaign contributions;
 - (2) For violation of section 11-204, HRS, making campaign contributions in excess of the contribution limit to the Harris campaign committee; and
 - (3) For failure to file an organizational report and required disclosure reports, pursuant to sections 11-194, 11-212 and 11-213, HRS.
- (B) NTW agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
 - (C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission and NTW on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENT(S)

Jeffrey Yee Chit Wong

By: _____

(Name)

(Title)

Date: _____